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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,703	03/24/2000	Kester Lijen Fong	10991522	2510

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EXAMINER

CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/534,703

Applicant(s)

FONG ET AL.

Examiner

John Chavis

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11-26-03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2, 5-7, 10-12, 15-17, and 20-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5-7, 10-12, 15-17, and 20-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on 11-26-03. These drawings are acceptable by the examiner.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the length exceeds 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 5-7, 10-12, 15-17, 20-21, 24 and 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Boukobza (6,122,664).

Claims:

Claim 1: A Method of managing software components, said method comprising:

deploying one or more software components on a plurality of computer platforms wherein said components interoperate with each other to execute a business application;

monitoring said components with an Administrator,

said Administrator functioning independently of said components,

Said Administrator comprising a Central Administrator and a plurality of Distributed Administrators where each computer platform has one of the Distributed Administrators;

determining a need to reconfigure one or more said components based upon a health status message from an agent in a computer platform to a Distributed

Boukobza

See the title and the abstract.

See the autonomous agent installed in each node, via the abstract. In reference to executing a business application, see col. 3 lines 12-16, which indicates that the objects are part of a "production environment".

See again the abstract, which indicates that monitoring is configured (i.e. in The Administrator) and then distributed (deployed) from the management node (Administrator) to autonomous agents, installed on nodes to be monitored (i.e. a plurality of computer platforms).

See Boukobza's fig. 1.

See fig. 1 in which the management node is central; while, the managed nodes or autonomous agents are distributed.

See col. 2 lines 39-65.

Administrator in the computer platform,

based upon a process schedule check of the computer platform by the Distributed Administrator, or based upon a health status message from each Distributed Administrator to the Central Administrator;

See col. 3 lines 2–6.

modifying or replacing one or more Said components using said Administrator in response to said determining;

See col. 3 lines 30–39.

wherein, said monitoring, said determining, and said modifying are performed without reference to said computer platforms and wherein said modifying or replacing reconfigures said business application without terminating said business application.

Boukobza's system functions independently of operating platforms (col. 3 lines 51–59) and provides for dynamic modification of components (i.e. without terminating), see col. 3 line 60–col. 4 line 4.

Claim 2: The method of Claim 1, wherein two or more of said plurality of computer platforms are geographically separated from each other.

See figure 1.

Claim 5: The method of Claim 1, wherein said monitoring comprises receiving health status messages each containing only changes in health status since receipt of a last health status message.

Boukobza indicates parameter curves selected by the Administrator for their importance are provided (i.e. only changes can be selected). Also, note that change of state data is provided back to the Administrator, col. 3 lines 30–39.

In reference to claims (6–7, and 10), (11–12, and 15), (16–17 and 20), (29–30 and 31), see the rejections of claims 1–2 and 5 above.

As per claims 21 and 32, see col. 5 lines 19–23 and lines 47–62.

Claim 24 is taught via the cited portions of claim 5.

6. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Jarriel et al. (6,553,403).

<u>Claims:</u>	<u>Jarriel</u>
Claim 1: A Method of managing software components, said method comprising:	See the abstract.
deploying one or more software components on a plurality of computer platforms wherein said components interoperate with each other to execute a business application;	See the dispatching function of fig. 4 and note the manager 14 and the managed nodes 16, which interoperate with each other to execute a business application, col. 1 lines 9-50, see specifically lines 14-15 and col. 2 lines 29-41.
monitoring said components with an Administrator,	See the remote site management (i.e. in The Administrator) in col. 4 lines 7-24.
said Administrator functioning independently of said components,	See again fig. 4 and col. 6 lines 38-50.
Said Administrator comprising a Central Administrator and a plurality of Distributed Administrators where each computer platform has one of the Distributed Administrators;	See fig. 4 and col. 4 lines 7-24.
determining a need to reconfigure one or more said components based upon a health status message from an agent in a computer platform to a Distributed Administrator in the computer platform,	See col. 2 lines 50-col. 3 lines 15.

based upon a process schedule check of the computer platform by the Distributed Administrator, or based upon a health status message from each Distributed Administrator to the Central Administrator;

“ “ “ “

modifying or replacing one or more Said components using said Administrator in response to said determining;

See specifically lines 62-65, which specifies that corrective action is taken if possible. It is further specified that a remote action may be required, col. 1 lines 62-67.

wherein, said monitoring, said determining, and said modifying are performed without reference to said computer platforms and wherein said modifying or replacing reconfigures said business application without terminating said business application.

See col. 9 lines 37-43, which indicates that the system is dynamic and works with queued events (i.e. without terminating).

Claim 2: The method of Claim 1, wherein two or more of said plurality of computer platforms are geographically separated from each other.

See figures 1 and 4.

Claim 5: The method of Claim 1, wherein said monitoring comprises receiving health status messages each containing only changes in health status since receipt of a last health status message.

See col. 8 lines 61-65, which conveys status changes (i.e. only changes). See also, col. 7 lines 43-45, which indicates that status messages may be handled (which includes receiving) Locally or remotely.

In reference to claims (6-7, and 10), (11-12, and 15), (16-17 and 20), (29-30 and 31), see the rejections of claims 1-2 and 5 above.

As per claims 21 and 32, see the rejection of claim 5 above, specifically when the

Problems cannot be handled locally (critical).

The features of claims 22-23 are taught via co. 6 lines 51-60.

Claim 24 is taught via the cited portions of claim 5.

In reference to claims 25-26, see col. 7 lines 35-52.

As per claim 27, see again in claim 5 the events that cannot be handled locally

And also see that the event may be critical, col. 8 lines 46-47.

The features of claim 28 are taught by the routing features of col. 9 lines 62-67.

Claims 33-39 are taught via claims 22-28, respectively.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (703) 305-9665. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jqc
February 17, 2004



JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124